

### **REMARKS**

Claims 1, 3-15, and 24-26 remain pending in the application. By this amendment, Claims 1 and 25 are amended. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter is added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained therein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 26 stands rejected as not having sufficient antecedent basis for the recited "metal film". Claim 26 depends from claim 25. Claim 25 is amended to recite that the mark is formed of a metal film. This should provide sufficient antecedent basis for the subject matter of claim 26. Accordingly, reconsideration and withdraw of this rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08313890 (Hidenori et al) in view of JP 10-062604 (Hideo).

Claim 25 is amended to recite that the predetermined mark is formed of a metal film. Claim 25 also recites that the predetermined mark is made of the same metal film as the reflecting layer. As stated in the Office Action dated May 6, 2004 (page 5),

Hidenori and Hideo fail to teach a predetermined mark made of a metal film and a reflecting film made of the same metal film. Accordingly, reconsideration and withdraw of this rejection is respectfully requested.

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08313890 (Hidenori et al) and JP 10-062604 (Hideo) as applied to claim 25 above, and further in view of U.S. Patent No. 5,220,444 (Mitsui et al.).

Claim 26 depends from Claim 25. Claim 25 recites that the predetermined mark is separated from the reflecting film. In contrast, the metal layer of Mitsui is a constant metal layer and therefore does not provide a "mark". Rather, the continuous metal layer of Mitsui extends over the entire substrate. As such, the claimed invention (a predetermined mark separated from and formed of the same metal film as a reflecting film) is not taught or suggested. It should also be noted that the peaks and valleys of the roughened region of Mitsui are not equal to or less than the planar region. In view of the foregoing, it can be appreciated that the combination of Mitsui with Hidenori and/or Hideo fails to suggest the claimed invention. Accordingly, reconsideration and withdraw of this rejection is respectfully requested.

Claims 1, 3 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08313890 (Hidenori et al) in view of JP 10-062604 (Hideo), U.S. Patent No. 5,220,444 (Mitsui et al.).

Claim 1 is amended to recite that a mark made of the same metal film as a reflecting film is separated from the reflecting film and that the reflecting film is formed on both the microscopic peaks and valleys in a roughened region of a substrate. In contrast and as stated in the Office Action dated May 6, 2004 (page 5), Hidenori and

Hideo fail to teach a predetermined mark made of a metal film and a reflecting film made of the same metal film. Further, the metal layer of Mitsui is a constant metal layer and therefore does not provide a "mark". Rather, the continuous metal layer of Mitsui extends over the entire substrate. As such, the claimed invention (a predetermined mark separated from and formed of the same metal film as a reflecting film) is not taught or suggested. It should also be noted that the peaks and valleys of the roughened region of Mitsui are not equal to or less than the planar region. Thus, the combination of Mitsui with Hidenori and/or Hideo fails to suggest the claimed invention. Accordingly, reconsideration and withdraw of this rejection is respectfully requested.

Claims 3 and 24 depend from claim 1 and should be allowable for at least the same reasons as set forth above.

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08313890 (Hidenori et al) and JP 10-062604 (Hideo) and U.S. Patent No. 5,220,444 (Mitsui et al.) as applied to claims 1, 3 and 24 above, and further in view of U.S. Patent No. 6,315,801 (Miyazaki et al). Claims 4 and 5 depend from claim 1 and should be allowable for at least the same reasons as set forth above.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08313890 (Hidenori et al) and JP 10-062604 (Hideo) and U.S. Patent No. 5,220,444 (Mitsui et al.) as applied to claims 1, 3 and 24 above, and further in view of U.S. Patent No. 5,973,763 (Fujimura et al). Claim 6 depends from claim 1 and should be allowable for at least the same reasons as set forth above.

Claims 7-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08313890 (Hidenori et al) and JP 10-062604 (Hideo) and U.S. Patent No. 5,220,444

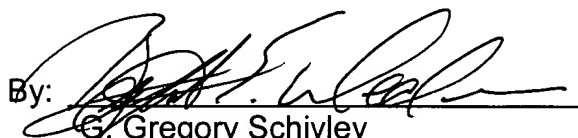
(Mitsui et al.) as applied to claims 1, 3 and 24 above, and further in view of U.S. Patent No. 6,130,736 (Sasaki et al). Claims 7-15 depend from claim 1 and should be allowable for at least the same reasons as set forth above.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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